

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GILBERTO MINAYA-RODRIGUEZ,

Petitioner,

-against-

WARDEN,

Respondent.

23-CV-8633 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is appearing *pro se* and currently incarcerated in LSCI Allenwood, located in White Deer, Pennsylvania, brings this petition, under 28 U.S.C. § 2241, alleging that his rights under the First Step Act are being violated. The Court dismisses the petition for the following reasons.

Petitioner has submitted to this court a substantially similar petition raising the same claims. That case is presently pending in this court under docket number ECF 1: 23-CV-8632 (LTS). As this petition raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this petition is dismissed without prejudice to Petitioner's pending case under docket number 1:23-CV-8632 (LTS).

CONCLUSION

Petitioner's filing is dismissed as duplicative of 1:23-CV-8632 (LTS).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: October 4, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge